

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

UNITED STATES OF AMERICA

VS.

2:20-CR-00142-01-JM

SILAS CHISM

ORDER

Defendant's Motion to Reduce Sentence (Doc. No. 41) is DENIED.

Applying retroactive Guidelines Amendment 821 reduces Defendant's criminal history score from 6 to 4. However, his criminal history category remains III and his guideline range is unchanged.¹

Additionally, Defendant's plea agreement "waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2)"² Because Defendant knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief.³

IT IS SO ORDERED this 14th day of February, 2024.


UNITED STATES DISTRICT JUDGE

¹ See U.S.S.G 1.10(a)(2) ("Exclusions.—A reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if— . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant's applicable guideline range.").

² Doc. No. 26.

³ *United States v. Cowan*, 781 F. App'x 571 (8th Cir. 2019) (affirming dismissal of a § 3582 (c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).